

## **REMARKS/ARGUMENTS**

### **A. Introduction**

In the Office action of February 26, 2007, the Examiner:

1. Rejected claims 1-8, 10, 12-19 under 35 USC § 102(e) as being anticipated by US Pre-Grant Publication No. 2004/0220854 by Postrel (hereinafter "*Postrel*");
2. Rejected claims 18-19 under 35 USC § 102(e) as being anticipated by US Pre-Grant Publication No. 2002/0178051 by Golden et al. (hereinafter "*Golden*");
3. Rejected claims 1- 4, 7 - 9 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,857,175 to Day et al. (hereinafter "*Day*") in view of *Postrel*;
4. Rejected claims 1-10 under 35 USC § 103(a) as being unpatentable over *Golden* in view of *Postrel*; and
5. Rejected claim 9 and 11 under 35 USC § 103(a) as being unpatentable over *Postrel*.

Claims 1 – 19 are cancelled and new claims 20 - 45 are pending.

**The Applicant thanks the Examiner for the present Office action, and responds as follows:**

### **B. Claims 20 – 33**

#### **1. Claim 20**

New claim 20 claims, in part, the steps pertaining to the subscribing consumer and the targeted consumers:

- (d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles;
- (e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters;

- (f) printing, by one or more printers attached to the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers; and
- (g) delivering by at least one of: first class mail, parcel post, and a delivery service, to each subscribing consumer, the printed promotional materials selected by each respective subscribing consumer and the promotional materials established for each as a targeted consumer.

Support for the above limitation may be found in the specification at least at page 16, lines 1 – 15. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

## 2. Claim 21

New claim 21 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the promotional materials comprise a coupon and the step of interfacing between the host computer and one or more promoters further comprises *the step of defining one or more products associated with the coupon for a consumer interface wherein the defining includes representing textually or graphically each of the one or more products including a product brand name.*

Support for the above limitation may be found in the specification at least at page 12, lines 4 – 13. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

## 3. Claim 22

New claim 22 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining content of the promotional material;

wherein the one or more promoters are one or more manufacturers and *wherein the promotional material is a manufacturer coupon* having content comprising: at least one product associated with the manufacturer coupon; a coupon bar code; an extended bar code; a UCC code assigned to an interfacing manufacturer; a coupon family code; a value of the coupon; and at least one of: a serial number consumer identification code and a bar code representation of a serial number consumer identification code; and wherein the method further comprises the steps of:

*assessing individual purchasing habits by an issuing manufacturer via the serial number consumer identification code;*

*determining, by the issuing manufacturer, a redemption rate of the coupon via the serial number consumer identification code; and*

*determining by the issuing manufacturer, an effectiveness of the target profile via the serial number consumer identification code.*

Support for the above limitation may be found in the specification at least at page 17, line 15 through page 18, line 13. The Applicant does not find teachings in the cited art, particularly *Postrel, Golden, and Day* directed toward the above limitation.

#### 4. Claim 23

New claim 23 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein one or more promoters are one or more manufacturers and the promotional materials are coupons and wherein the step of interfacing between the host computer and one or more manufacturers *further comprises the step of defining, by at least one manufacturer, the coupon as either a manufacturer coupon or a military coupon, and wherein the printing step further includes printing a designation on a coupon as either a manufacturer coupon or a military coupon.*

Support for the above limitation may be found in the specification at least at page 12, lines 26-27. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 5. Claim 24

New claim 24 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters *further comprises the step of defining a target consumer profile comprising US Zip code regions comprising at least a first portion of a US Zip code.*

Support for the above limitation may be found in the specification at least at page 12, lines 14-17. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 6. Claim 25

New claim 25 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters *further comprises the step of defining: a minimum age of the targeted consumer; a maximum age of the targeted consumer; a maximum number of recipients to be targeted; at least one duplication criterion to prevent consumers from receiving redundant promotional materials within a set period of time; and at least one priority setting criterion for prioritizing the rank or relationship of the criterion.*

Support for the above limitation may be found in the specification at least at page 14, lines 23-29. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 7. Claim 26

New claim 26 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 further comprising the step of *combining, prior to the step of printing, the consumer requested promotional material and promoter defined promotional material.*

Support for the above limitation may be found in the specification at least at page 15, lines 13-29 and page 17 lines 15-22. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 8. Claim 27

New claim 27 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters

further comprises *the step of defining: a coupon offer code; a description of the products required to be purchased; a value of the coupon; and an expiration date.*

Support for the above limitation may be found in the specification at least at page 17, line 15 through page 18, line 1. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 9. Claim 28

New claim 28 reads as follows (emphasis added):

The method of promotional data delivery of claim 20 wherein the step of searching, by the host computer, the database comprising the one or more subscribing consumer profiles further comprises the step of *querying by the promoter to interrogate a relational database comprising information including personal, demographical information provided by the participating consumers and information of the participating consumers provided by third parties.*

Support for the above limitation may be found in the specification at least at page 15, lines 4 - 11. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 10. Claim 29

New claim 29 reads as follows (emphasis added):

The method of promotional data delivery of claim 20, further comprising the steps of:

identifying subscribing consumer profiles;

establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters *without the targeted consumer directly requesting the promotional materials*; and  
*wherein the step of delivering comprises a definable delivery interval.*

Support for the above limitation may be found in the specification at least at page 15, lines 13 - 29. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 11. Claim 30

New claim 30 reads as follows (emphasis added):

The method of promotional data delivery of claim 20, wherein *the step of interfacing between the host computer and one or more promoters further comprises the step of defining one or more targeted consumer profiles comprising gender and age criteria.*

Support for the above limitation may be found in the specification at least at page 13, line 24-30. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 12. Claim 31

New claim 31 reads as follows:

The method of promotional data delivery of claim 20, wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial

number consumer identification code and a bar code representation of a serial number consumer identification code and wherein method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code.

Support for the above limitation may be found in the specification at least on page 17, line 15 through page 18, line 11. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

### 13. Claim 32

New claim 32 reads as follows (emphasis added):

A method of promotional data delivery as claimed in claim 20, the method further comprising the step of *tracking, by the promoters, scanned coupon redemptions.*

Support for the above limitation may be found in the specification at least on page 15, lines 25 - 29. The Applicant does not find teachings of the combined limitations in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

### 14. Claim 33

New claim 32 reads as follows:



The method of promotional data delivery of claim 20, further comprising the steps of:

identifying subscribing consumer profiles;

establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters without the targeted consumer directly requesting the promotional materials;

tracking, by the promoters, scanned coupon redemptions and wherein the step of delivering comprises a definable delivery interval; and

wherein the step of searching, by the host computer, the database comprising the one or more subscribing consumer profile further comprises the step of querying by the promoter to interrogate a relational database comprising all of the personal demographic and other information provided by the participating consumers and information of the participating consumers provided by third parties; and

wherein the one or more targeted consumer profiles further comprise gender and age criteria; and

wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial number consumer identification code and a bar code representation of a serial number consumer identification code and wherein method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number consumer identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code.

The Applicant does not find teachings of the combined limitations in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

### C. Claims 34 – 47

#### 1. Claim 34

New claim 34 claims, in part and as follows, a promotional data delivery system comprising a printer adapted to print promotional materials including the promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers:

- (3) database means for accessibly storing a consumer profile for each of the one or more subscribing consumers in a manner relatable with the target consumer profiles; and
- (c) a host computer adapted to: (1) search based on target consumer profiles, the database means for accessibly storing a consumer profile for each of the one or more subscribing consumers; said searching based on target consumer profiles; (2) identify one or more subscribing consumer profiles returned in a search based on target consumer profiles; and (3) establish, from the one or more identified subscribing consumer profiles, target consumers to receive promotional materials fashioned by the one or more promoters via the defining means;
- (d) one or more printers, attached to the host computer, adapted to print promotional materials including the promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers; and
- (e) delivery means for transmitting the printed promotional materials via at least one of: first class mail, parcel post, and a delivery service, to each subscribing consumer.

Support for the above limitation may be found in the specification at least at page 16, lines 1 – 15. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

### 3. Claim 35

New claim 35 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the first interfacing means *further comprises means for defining one or more products associated with the coupon for a consumer interface wherein the means for defining includes means for representing textually or graphically each of the one or more products including a product brand name.*

Support for the above limitation may be found in the specification at least at page 12, lines 4 – 13. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

### 3. Claim 36

New claim 36 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the first interfacing means further comprises means for defining content of the promotional material, wherein the one or more promoters are one or more manufacturers and wherein *the promotional material is a manufacturer coupon* having content comprising: at least one product associated with the coupon; a coupon bar code; an extended bar code; the promoter's assigned UCC code; a coupon family code; a value of the

coupon; and at least one of: a serial number consumer identification code and a bar code representation of a serial number consumer identification code; and

wherein the system further comprises:

*means for assessing individual purchasing habits by an issuing manufacturer via the serial number consumer identification code;*

*means for determining, by the issuing manufacturer, a redemption rate of the coupon via the serial number consumer identification code; and*

*means for determining by the issuing manufacturer, an effectiveness of the target profile via the serial number consumer identification code.*

Support for the above limitation may be found in the specification at least at page 17, line 15 through page 18, line 13. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 4. Claim 37

New claim 37 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein one or more promoters are one or more manufacturers and the promotional materials are coupons and wherein *the first interfacing means further comprises a means for indicating on each coupon that the coupon is either a manufacturer coupon or a military coupon.*

Support for the above limitation may be found in the specification at least at page 12, lines 26-27. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 5. Claim 38

New claim 38 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the first interfacing means *further comprises a means for defining a target consumer profile comprising US Zip code regions comprising at least a first portion of a US Zip code.*

Support for the above limitation may be found in the specification at least at page 12, lines 14-17. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 6. Claim 39

New claim 39 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the first interfacing means further comprises a means for defining: a minimum age of the targeted consumer; a maximum age of the targeted consumer; *a maximum number of recipients to be targeted*; at least one duplication criterion to prevent consumers from receiving redundant promotional materials within a set period of time; and at least one priority setting criterion for prioritizing the rank or relationship of the criterion.

Support for the above limitation may be found in the specification at least at page 14, lines 23-29. The Applicant does not find combined teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

**7. Claim 40**

New claim 40 reads as follows (emphasis added):

The promotional data delivery system of claim 34 further comprises a means  
for *combining consumer requested promotional material and promoter  
defined promotional material*.

Support for the above limitation may be found in the specification at least at page 15, lines 13-29 and page 17 lines 15-22. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

**8. Claim 41**

New claim 41 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the first  
interfacing means further comprises a means for defining: a coupon  
offer code; a description of the products required to be purchased; a  
value of the coupon; and an expiration date.

Support for the above limitation may be found in the specification at least at page 17, line 28 through page 18, line 1. The Applicant does not find teachings of the combined limitation in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

**9. Claim 42**

New claim 42 reads as follows (emphasis added):

The promotional data delivery system of claim 34 wherein the host computer further comprises a *means for querying by the promoter a relational database comprising information including personal, demographical information provided by the participating consumers and information of the participating consumers provided by third parties.*

Support for the above limitation may be found in the specification at least at page 15, lines 4 - 11. The Applicant does not find teachings in the cited art, particularly *Postrel, Golden, and Day* directed toward the above limitation.

#### 10. Claim 43

New claim 43 reads as follows (emphasis added):

The promotional data delivery system of claim 34, further comprising:  
means for identifying subscribing consumer profiles;  
means for establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters *without the targeted consumer directly requesting the promotional materials*; and  
*wherein the delivery means comprises a delivery schedule having a definable delivery interval.*

Support for the above limitation may be found in the specification at least at page 15, lines 13 - 29. The Applicant does not find teachings in the cited art, particularly *Postrel, Golden, and Day* directed toward the above limitation.

#### 11. Claim 44

New claim 44 reads as follows (emphasis added):

The promotional data delivery system of claim 34, wherein the first interfacing means further comprises a means for defining the one or more target consumer profiles comprising *gender and age criteria*.

Support for the above limitation may be found in the specification at least at page 13, line 24 - 30. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### 12. Claim 45

New claim 45 reads as follows:

The promotional data delivery system of claim 34 wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial number consumer identification code and a bar code representation of a serial number consumer identification code and wherein method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number consumer identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code.

Support for the above limitation may be found in the specification at least on page 17, line 15 through page 18, line 11. The Applicant does not find teachings in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.



### 13. Claim 46

New claim 46 reads as follows (emphasis added):

The promotional data delivery system of claim 34, the system further comprising means for *tracking, by the promoters, scanned coupon redemptions.*

Support for the above limitation may be found in the specification at least on page 15, lines 25 - 29. The Applicant does not find teachings of the combined limitations in the cited art, particularly *Postrel, Golden, and Day* directed toward the above limitation.

### 14. Claim 47

New claim 47 reads as follows:

The promotional data delivery system of claim 34, further comprising:

means for identifying subscribing consumer profiles;

means for establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters without the targeted consumer directly requesting the promotional materials;

means for tracking, by the promoters, scanned coupon redemptions; and

wherein the delivery means comprises a delivery schedule having a definable delivery interval; and

wherein the host computer further comprises a means for querying by the promoter to interrogate a relational database

comprising all of the personal demographic and other information provided by the participating consumers and information of the participating consumers provided by third parties; and

wherein the one or more target consumer profiles further comprise gender and age criteria; and

wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial number consumer identification code and a bar code representation of a serial number consumer identification code and wherein method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number consumer identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code.

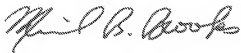
The Applicant does not find teachings of the combined limitations in the cited art, particularly *Postrel*, *Golden*, and *Day* directed toward the above limitation.

#### F. Conclusion

The Applicant respectfully submits, with the cancellation of claims 1 -19 and the entry of new claims 20 -- 47 , and in view of the arguments and remarks herein presented, that claims 20 -- 47 are patentable over the cited art and are presently in condition for allowance. By this amendment, there are presently twenty-eight (28) claims pending of which four are independent. Accordingly, authorization is hereby given to charge \$200 for the claims in excess of twenty and \$395 for entry of the present Request for Continued Examination (RCE). Accordingly, the total fees in this response are \$595. While no additional fees are anticipated with this response, should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Respectfully submitted,

MICHAEL BLAINE BROOKS, P.C.



Dr. Michael B. Brooks, Esq.  
Registration Number 39,921

Telephone No. (805) 579-2500  
FAX (805) 584-6427

Michael Blaine Brooks, P.C.  
1445 E. Los Angeles Ave., Suite 301Z  
Simi Valley, CA 93062-2827

Customer No. 24507